The City Council of the City of Raleigh met in a regular meeting on Tuesday, May 1, 1984, in the City Council Chamber, 222 West Hargett Street, at 1:00 p.m. with the following present:

Mayor Pro Tem Walters, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller

Mayor Pro Tem Walters called the meeting to order indicating Mayor Upchurch was excused from the meeting pointing out Mayor Upchurch is in Europe. Invocation was rendered by the Reverend G. Lee McIntyre after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - WEEK OF THE YOUNG CHILD - PROCLAIMED

Mayor Pro Tem Walters read a proclamation proclaiming the week of April 30 - May 5 as The Week of the Young Child in the City of Raleigh. The proclamation was received by representatives of the Raleigh Wake Chapter of the North Carolina Education of Young Children as well as children who attend the Temple Beth Or Preschool.

PROCLAMATION - RALEIGH VOLUNTEER WEEK - PROCLAIMED

Mayor Pro Tem Walters read a proclamation proclaiming the week of May 6 as Volunteer Week in the City of Raleigh. The Proclamation was received by Linda Johnson of the City's Human Resources Department. In accepting the proclamation, Ms. Johnson explained there will be festivities on the Downtown Mall on May 6 commemorating volunteer service in the City of Raleigh.

PROCLAMATION - MOTORCYLE AWARENESS WEEK - PROCLAIMED

Mayor Pro Tem Walters read a proclamation proclaiming the week of May 13 as Motorcycle Awarenes Week in the City of Raleigh. The Proclamation was received by Bob Wray representing the Raleigh Chapter of Concerned Bikers Association.

PROCLAMATION - SMALL BUSINESS WEEK - PROCLAIMED

Mayor Pro Tem Walters read a proclamation proclaiming the week of May 6 as Small Businesses Week in the City of Raleigh. The proclamation was accepted by a representative of the Small Business Committee of the Chamber of Commerce.

VISITORS - NOTED

Mayor Pro Tem Walters recognized students from Ann Parks' economic political science class at Enloe.

PLANNING DEPARTMENT - AWARDS NOTED

Councilman Keller indicated he represented the City at the North Carolina Chapter of Planners Association in Chapel Hill recently. He indicated it seems as if it was a meeting to honor Raleigh and Wake County pointing out several Wake County residents including Norma Burns and John Scott were honored for their planning efforts in the area. He indicated the City of Raleigh and Planning Department was recognized for the multifacet street project involving the Hillsborough Street Planning, Hillsborough Street Task Force and computerized model work on Hillsborough Street. He presented the award to Mr. Chapman. In accepting the award, Mr. Chapman indicated without the support of the City Council, none of these programs would have come to fruition.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS PRESENTED

Mayor Pro Tem Walters presented the Consent Agenda indicating all items are considered to be routine and be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor Pro Tem Walters indicated the vote on the Consent Agenda would be a roll call vote. No one asked to pull an item from the Consent Agenda. Mr. Congleton moved that Administration's recommendations on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. Mayor Pro Tem Walters ruled the motion adopted. The items on the Consent Agenda were as follows:

GREENWAY PROPERTY - ENCROACHMENT BY SOUTHERN BELL - APPROVED WITH CONDITIONS

Southern Bell would like to install an underground switching station adjacent to the North Hills Drive entrance to the Ironwood Greenway Trail. The City staff and the Greenway Commission have reviewed the plans and would recommend that the City Council

allow this encroachment. Enclosed in the Council Agenda packet was a description of the switching station and a location map.

Recommendation: It is recommended that the encroachment be granted subject to the requirements that the installation include soil erosion control measures the suitable reseeding of the disturbed area and that the facility would be relocated if necessitated by City plans to upgrade the street in that area. Consent Agenda approval: Congleton/Babb - 7 ayes.

ATTORNEY SERVICES - COUNCIL CONCURS WITH ACTION TO RETAIN ATTORNEY

Recently, the City Attorney and Police attorney proposed that Attorney George Miller be retained to represent the City in a suit which had been filed against the City and a police officer. Because of the necessity to proceed with filing of appropriate responses to the lawsuits, approval was given to retain Mr. Miller for this particular case.

Recommendation: It is recommended that the City Council concur with the action to retain Attorney George Miller to represent the City and the police officer involved in the case of Vaughan v. City of Raleigh, G. R. Passley. Consent Agenda approval: Congleton/Babb - 7 ayes.

ATLANTIC AVENUE PROJECT - AGREEMENT WITH CP&L - MAYOR AUTHORIZED TO SIGN

It is necessary to obtain an encroachment agreement from CP&L to construct a segment of Atlantic Avenue which crosses an existing CP&L right-of-way in the vicinity of the Highwoods development. CP&L has submitted an acceptable encroachment agreement.

Recommendation: It is recommended that the City Council approve the execution of the CP&L encroachment agreement. Consent Agenda approval: Congleton/Babb - 7 ayes.

TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL READING

During the April 17, 1984, Council Meeting, the City Council approved, on a first reading, an application from Franklin Gathuka Gatumbi, Safeway Cab Company (New Individual Owner's Permit). It would be appropriate to consider approving this application on a second and final reading. Consent Agenda approval: Congleton/Babb - 8 ayes.

BUDGET AMENDMENTS - PARKS AND RECREATION DEPARTMENT - ORDINANCE ADOPTED

The Consent Agenda presented a Budget Amendment in the amount of $231.63 to place into an expenditure account restitution for stolen property. The Agenda also listed a recommended budget amendment in the amount of $100 to place into expenditure account contributions made by the Oakwood Garden Club for the Tucker House grounds. Administration recommends approval of the budget amendments as outlined. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 340.

CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for the rent-free use of Meeting Room A in the Civic Center of the Management Education Program sessions on Managing Change and Stress on June 11, 12, 13, 28, 29, 1984. The item was received without comment.

CAMP DURANT - SOLICITATION OF DESIGN SERVICES - REFERRED TO ADMINISTRATION

Funds are appropriated in FY83-84 for improvements at Camp Durant. At this time, the Parks Department is soliciting proposals for design services. Upon receipt and review, a recommendation will be brought to the City Council. The item was received without comment

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which have been authorized according to Council procedures. Concurrence with the Manager's action is recommended. Consent Agenda approval: Congleton/Babb - 7 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
43-2-5090-240	43-2-5090-230	$750.00
43-2-5010-100	43-2-5010-230	400.50
43-2-5010-228	43-2-5010-230	400.00
43-2-5090-240	43-2-5090-260	4.26
06-2-7100-002	06-2-7030-217	999.00
41-2-2000-194	41-2-2000-182	900.00
01-2-1040-001	01-2-1100-231	300.00
01-2-1210-235	01-2-1210-211	995.00
06-2-7030-717	06-2-7030-712	200.00
01-2-1080-265	01-2-1080-261	150.00
01-2-1080-265	01-2-1080-213	150.00
19-2-8390-534	19-2-8390-700	750.00
01-2-5020-617	01-2-5020-717	146.12
01-2-5020-617	01-2-5020-231	197.00

40-2-1510-0100	40-2-1510-0109	500.00
01-2-4020-284	01-2-4020-225	300.00
18-2-0700-0225	18-2-0700-0227	350.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the Public Works Department for purposes as stated therein. Administration recommends approval of the transfers. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 341 TF 21.

BID REQUEST 83-65 - FIRE HOSE - BID AWARDED TO NEWTON FIRE AND SAFETY INC.

Pursuant to advertisement as required by law, bids were received and publically opened on April 24, 1984, in the office of the Purchasing Agent for fire hose with results as follows: Newton's Fire and Safety, Inc. - $14,148; Action Fire and Safety, Inc. - $14,336; Slagle's Fire Equipment and Supply - $15,686; Southern Rubber Company - $16,260.48; Dillon Supply Company - $16,938. Administration recommends the low bid submitted by Newton's Fire and Safety, Inc. be awarded. Consent Agenda approval: Congleton/Babb - 7 ayes.

BID REQUEST 83-66 - POWDERED ACTIVATED CARBON - BID AWARDED TO WESTVACO CORPORATION

Pursuant to advertisement as required by law bids were received and publically opened in the office of the Purchasing Agent on April 24, 1984 for a price agreement through June 30, for 425 tons of powdered activated carbon with results as follows: Westvaco Corporation - $260,000; ICI America's Inc. - $279,350; Husky Industries, Inc. - $302,900. Administration recommends awarding the low bid of Westvaco Corporation. Consent Agenda approval: Congleton/Babb - 7 ayes.

BID REQUEST 83-68 - POTASSIUM PERMANGANATE - BID AWARDED TO CARUS CHEMICAL CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on April 24, 1984, for a price agreement through July 30, 1984, for 150 pounds of potassium permanganate with results as follows: Carus Chemical Corporation - $154,500; Jones Chemicals, Inc. - $159,000; McKesson Chemical Company - $159,000. Administration recommends the low bid submitted by Carus Chemical Corporation be awarded. Consent Agenda approval: Congleton/Babb - 7 ayes.

TRAFFIC - NO PARKING ON NAZARETH AND PRICE STREETS - ORDINANCE ADOPTED

The Agenda presented a recommended change relating to no parking zones to be established on Price Street and Nazareth with recommendation of approval. The Agenda outlined the need pointing out the recommendation is the result of a petition drive by the area residents. Administration recommends approval. Consent Agenda approval: Congleton/Babb - 8 ayes.

ORDINANCE NO. (1984) 342

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Nazareth Street, east side, from Price Street to Agnes Street

Price Street, south side, from Nazareth Street to Agnes Street

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective May 8, 1984.

Adopted: 5/1/84

Effective: 5/8/84

END OF THE CONSENT AGENDA

SPECIAL ITEMS

HISTORICAL PROPERTIES COMMISSION - REQUEST TO HIRE ATTORNEY - AUTHORIZED

During the last meeting, the City Attorney made a recommendation relative to a lawsuit involving the Raleigh Historic Properties/White Holman House. It would be appropriate to further consider that item at this point. Mayor Pro Tem Walters indicated that Council Members received a memo in their Agenda packet in which the City Attorney, on behalf of the Historic Properties Commission, requested to hire an attorney to file an answer on behalf of the Commission. His memo explained the

reasoning for his recommendation for the appropriation to hire the attorney. Mr. Congleton moved the City Attorney's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

Mr. Walters indicated there is an attorney that serves on the Historic Properties Commission and it might be in order to see if that Attorney would want this job if that would be appropriate.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

TC-260B - CITY UTILITIES FOR LIMITED GEOGRAPHICAL AREAS - APPROVED AS AMENDED

This was a request for approval to establish a system of regulations, fees, and procedures for providing utility interceptors, central treatment plants, and other major utility projects to serve limited geographical areas. Ms. Block moved the Planning Commission's recommendation be upheard. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

ORDINANCE NO. (1984) - 343 TC 215

AN ORDINANCE TO AMEND THE UTILITY AND PLUMBING PROVISIONS OF THE CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Following the word "city" appearing on the fourth line of section 8-2065 of the Raleigh City Code relating to dedication of utility systems the following language is added: "including water and sewer lines dedicated to the City."

Section 2. The third sentence of section 8-2072 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows: "The City shall collect all rents, fees, and charges from consumers connected with such utility lines, for its sole use and benefit without compensation to the dedicators.".

Section 3. Section 10-6081 of the Raleigh City Code is hereby amended to add a new last subsection which shall read as follows:

"(g) Additional charges. In addition to any other charges, every person desiring to use the city utility system shall pay all fees as required by laws, ordinances, and resolutions.".

Section 4. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 8. This ordinance shall become effective five days following its adoption.

Adopted: May 1, 1984

Effective: May 6, 1984

CP-1-84 - PERRY CREEK/NEUSE BASIN UTILITY POLICY - APPROVED AS AMENDED

This was a request for approval to amend the Comprehensive Plan, in ordinance and resolution form, to expand the utilities planning areas of the City and add additional utilities line extensions. Mrs. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted. See Ordinance 344 and Resolution 509.

RESOLUTION NO. (1984) 509

December 19, 1983

RESOLUTION

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs and ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council Policy concerning the future development of the City of Raleigh; and

WHEREAS, a public hearing on proposed Amendment No. CP-1-84 was held before a joint meeting of the City Council and the Planning Commission on January 17, 1984, and the matter was referred to the Planning Commission for its review and recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA, THAT:

Section 1:

The Map WW-2, on page 82 of the Raleigh Comprehensive Plan entitled, "Wastewater Service Expansion Areas," is redesignated as "Utilities Planning Area - Wastewater."

The Map W-2, page 75 of the Raleigh Comprehensive Plan entitled, "Water Service Expansion Areas," is redesignated as "Utilities Planning Area - Water."

The above referenced maps are amended to include additional areas, designated on maps on file in the Planning Department entitled, "Utilities Planning Area-Water, December 20, 1983," and "Utilities Planning Area-Wastewater, December 20, 1983," and further described as:

- Areas encompassed in Sewer Acre Fee Areas 21 and 22
- Southeast District Plan - Map SE-3 Facilities Plan, including all areas within the City extraterritorial jurisdiction
- Areas encompassed in Sewer Acreage Fee Area 20
- Areas south of Tryon Road and west of U.S. 401
- Areas north of N.C. 54 and east of I-40

Section 2:

Table WW-1, page 83 of the Raleigh Comprehensive Plan is amended to add wastewater line descriptions, identified by numbers W3-17 through W3-31.

Table W-1, page 77 of the Raleigh Comprehensive Plan is amended to add water line descriptions identified by numbers W3-80 through W3-93.

Map W-3, page 79 of the Raleigh Comprehensive Plan is amended to add water lines W3-80 through W3-93, as shown on maps on file in the Planning Department entitled, "Water System Planned Facilities, December 20, 1983."

Map WW-3, page 84 of the Raleigh Comprehensive Plan is amended to add wastewater lines W3-17 through W3-31, as shown on maps on file in the Planning Department entitled, "Wastewater System Planned Facilities, December 20, 1983."

REPORT AND RECOMMENDATION OF THE TELECOMMUNICATIONS COMMISSION

TELECOMMUNICATIONS COMMISSION - REPORT ON REQUEST FOR AMENDMENT TO FRANCHISE - REFERRED TO THE LAW AND FINANCE COMMITTEE

Paul Vandergrift, Chairman of the Telecommunications Commission, was at the meeting and indicated the Telecommunications Commission deliberations were indepth and comprehensive on the item referred relating to a request to amend the Telecommunications Franchise. He indicated they did have an initial meeting where they received input from the citizens and at that meeting, they did allow all citizens to interact with the Telecommunications Committee. He stated, however, they did place a three minute time limit on the presentation, but they did not restrict the number of people who wanted to speak and everyone who was at the meeting who asked to be heard was heard. He stated as chairman he felt that they should have another meeting to make sure that everyone was allowed an opportunity for input. He stated at that meeting they did allow people to voice their concern without any restrictions on time, etc. He indicated those deliberations went on for over three hours. He pointed out the Telecommunications Commission had a follow up meeting and adopted the following resolution:

WHEREAS, the City Council duly considered and required the installation of a two-tier cable television system which would best meet the needs of the majority of citizens,

WHEREAS, the cable consultants for the City recommended the use of addressable converters, and

WHEREAS, scrambled, addressable systems are currently being installed in every major city in the country, and

WHEREAS, the City and Cablevision have signed a two-party contract for the construction, installation and operation of a cable television system in Raleigh,

WHEREAS, Cablevision has abided by the contract, and

WHEREAS, the cable system being installed is a State of the Arts System which will best meet the future communication needs of the City of Raleigh

THEREFORE, be it moved that the Cable System design not be changed at this time to the descrambled system and that the franchise and ordinance not be amended regarding system design

Mr. Calloway indicated he would like to express appreciation to the Telecommunications Commission for their diligent and deliberate work on this recommendation and would like to move that the Council uphold their recommendation.

Ms. Babb pointed out at the end of the meeting under Council concerns, she was going to ask that someone be allowed to be heard on this item at tonight's meeting and she does not feel that we should take action until we hear from that person. Therefore, she would make a substitute motion that the report of the Telecommunications Commission be referred to the Law and Finance Committee for a quick look at it and report back to Council. Her substitute motion was seconded by Mr. Congleton. Mr. Walters indicated he would support the substitute motion indicating he had had calls and contacts from a number of people who want additional input and maybe a public hearing. Mr. Calloway stated he did not see why we need to go over this again as the Telecommunications Commission has studied it thoroughly. Mr. Congleton indicated the Council was just provided the questions and the answers at today's meeting and he would like to have an opportunity to look over those comments. He indicated he feels comfortable with the Telecommunication Commission work and report, but he feels that the City Council Members should also look at the issue. Mrs. Block stated that she has complete confidence in the Telecommunications Commission and she feels they have done a very good job. She stated, however, she didn't oppose it going to Committee. Ms. Babb indicated she too has absolute confidence in the Committee and has some very good friends on the Committee who have told her how much time has been spent on this item. She stated, however, she does feel strongly that it is ultimately the elected officials' responsibility to make the decisions and she feels the Council should study the item further. Mr. Keller stated he had no problem with accepting this item in Law and Finance Committee but he agreed with Mr. Calloway in that the Committee has held the public hearings, etc. He stated he would take it in Committee or he could vote on the question today. Mrs. Cates indicated she had spent a lot of time talking with Committee Members and citizens relative to this item and it has been discussed in depth. She stated if the item is referred to Law and Finance Committee for discussion, which she has no problem with, she would like for them to bring it back as soon as possible. The substitute motion to refer the item to Law and Finance Committee was put to a vote and passed unanimously.

COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEES, COMMISSIONS AND BOARDS - NO ACTION TO BE TAKEN

Mayor Pro Tem Walters indicated Mayor Upchurch had requested that on the Committees or Commissions that he has made a nomination, he would like to have the opportunity to vote for his nominee. He stated without objection, the Council would defer voting on Committees, Commissions and Boards today but would accept nominations. This was unanimously agreed to.

APPEARANCE COMMISSION - NO ACTION TAKEN

The City Clerk explained there are four vacancies and named the nominees. No nominations were made and no action was taken. By general consensus, it was agreed to defer action on this item until the next meeting.

CIVIC CENTER AUTHORITY - NOMINATIONS MADE

The City Clerk indicated there are seven terms expiring and read the nominations explaining all who are eligible for reappointment have been nominated. Mr. Congleton nominated John Booth. By general consensus, action was deferred until the next meeting.

PLANNING COMMISSION - NO ACTION TAKEN

The City Clerk reported the term of Hal McNeeley expires May 20 and read the nominations. Without objections this item was held over until the May 15 meeting.

ARTS COMMISSION - NO ACTION TAKEN

The City Clerk indicated there is one vacancy and read the nominations. No nominations were made and by general consensus, action was held until the next meeting.

TRANSIT AUTHORITY - NOMINATIONS MADE

The City Clerk reported the terms of Irvin Rovner and Hill Carrow, Jr. expire May 20, 1984. Both are eligible for reappointment and no nominations have been made. Mr. Congleton nominated David Robinson. Ms. Babb nominated Irvin Rovner. Mr. Keller nominated Hill Carrow. No further action was taken.

SISTER CITY AD HOC COMMITTEE - NOMINATIONS MADE

The City Clerk indicated at the last Council Meeting, the City Council authorized the appointment of a Sister City Ad Hoc Committee with nine members with Councilman Walters being chairperson. She indicated during that meeting, Mr. Walters presented a suggested makeup by categories for this Committee; however, no action was taken. She stated there are nine vacancies and no nominations have been made. Mr. Walters indicated he had presented the recommended category makeup pointing out it is hope that we can have a broad cross section of people on this committee. He stated hopefully in the future, that people from Raleigh could visit the other countries and our sister cities and travel at their own expense and he feels that this should be considered when nominating people. Mr. Walters nominated Millie Schecter, Director of the Friendship Force. No other action was taken.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

PRIVILEGE LICENSE - THE CULTURE CLUB - TO BE SCHEDULED AS SPECIAL ITEM ON MAY 15, AGENDA

Mr. Keller indicated by split vote the Law and Finance Committee recommends the application for a live entertainment license at the Culture Club be denied. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Cates. Mr. Walters indicated he had talked with Mayor Upchurch on Friday and the Mayor asked that this be held until he returns. Mrs. Block made a substitute motion that action on the privilege license application from the Culture Club be held until next meeting and scheduled as a special item. Her substitute motion was seconded by Mr. Congleton and put to a vote which passed unanimously. Mayor Pro Tem Walters ruled the motion adopted.

COUNCIL MEETING SCHEDULE - NEW SCHEDULE APPROVED EFFECTIVE JUNE 1, 1984

Mr. Keller indicated Council Members received in their Agenda Packet a new schedule relating to City Council Meetings which is recommended for adoption. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. The schedule is as follows:

On months with zoning hearings:

- regular afternoon meetings;
- first Tuesday night - regular hearings and petitions;
- third Tuesday night - zoning hearings.

On months without zoning hearings:

- regular afternoon meetings;
- first Tuesday night - regular hearings and petitions;
- third Tuesday - hearings would be in afternoon and no night meeting.

Ms. Block indicated she has been thinking about the fact that we are having zoning hearings every other month now. She indicated the actual time it takes to tour the entire City every other month is very demanding and questioned if we could consider accepting application for half the City one meeting and the other half another meeting that way the Council would only have to tour half the City at the time. She stated maybe this could be referred to the staff for their recommendation. Mr. Keller questioned if this is not a procedural matter that could be worked out administratively. Discussion took place on whether the Committee had taken into consideration the citizens who would have to come to an evening meeting. It was pointed out that if there are items that could not wait until the evening that they could be scheduled at the end of the day meeting, this way a citizen would have a choice as to whether they wanted to come to a night meeting or an afternoon meeting. Mrs. Block indicated she felt this was a good solution after which the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

COMMUNITY DEVELOPMENT BUDGET - FY84/85 - TO BE SCHEDULED AS SPECIAL ITEM ON MAY 15 AGENDA

Mr. Keller indicated the Law and Finance Committee recommends approval of the FY 84/85 Community Development Budget as presented. On behalf of the Committee he moved the recommendations be upheld. His motion was seconded by Ms. Babb.

Mr. Congleton indicated he would like a substitute motion to defer action on this item until the next meeting and schedule it as a special item. He indicated as he studied the proposed Community Development Budget and looked over what was requested and what the various agents who were received last time, etc, he would just like an opportunity to further study it. His substitute motion was seconded by Ms. Cates. Mr. Walters indicated since this item was presented, we have received a formal request from the YWCA. Ms. Cates indicated she would like the support and documents and material on what was requested and what was recommended with Mr. Congleton indicating he understands that will be provided to all Council Members. The substitute motion was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ELDERLY HOUSING - 1717 THROUGH 1721 POOLE ROAD - RESOLUTION CONCURRING CONDITIONALLY

Chairman Keller indicated the Law and Finance Committee recommends adoption of a resolution concurring with this project with the understanding that, if the project is approved, it will meet all City and State zoning and building codes. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

THOROUGHFARE/SITE PLAN CONFLICT - THE VILLAGE AT COOPER'S TRAIL - REQUEST FOR VARIANCE-DENIED

Chairman Keller reported the Law and Finance Committee recommends denial of the request for a variance in density at the The Village at Cooper's Trail. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CODE VIOLATIONS - 309 NORTH BLOUNT STREET - REMOVED FROM THE AGENDA WITH NO ACTION TAKEN

Chairman Keller indicated the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken as it was reported the outside of the dwelling has been cleaned and that the inside condition is not something that is addressed by the City Code. On behalf the Committee he moved the recommendation be upheld. His motion was seconded by Mrs. Babb. Mr. Walters indicated he had a report placed on his desk today that was submitted by the North Central CAC listing the addresses of where they feel are housing code violations. He indicated this address as well as another location owned by the same person is on that list. He indicated he understands Administration is looking into the list as submitted. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

STORM DRAINAGE PROBLEM - HIGHWAY 70 WEST - ADMINISTRATION TO WORK WITH PROPERTY OWNERS

Mrs. Block indicated the Public Works Committee recommends that the property owners involved be advised of the City's drainage petition policy whereby the owners agree to furnish the materials necessary to pipe the water and the City forces will install the pipe. The Committee further recommends that the Engineering Department offer technical advice to the property owners so the pipe will not cause additional water problems downstream. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

SUBDIVISION S-34-84 BRANDIWOOD - APPROVED WITH CONDITIONS

Mrs. Block indicated Council Members received a proposed contract for maintenance of a pump station relative to this subdivision. She indicated this was not available at the Public Works Committee and she would move approval of the contract relating to maintenance of the proposed sanitary sewer pumping station to be constructed in Brandiwood Subdivision subject to it being approved by the developer. Her motion was seconded by Mr. Keller. City Attorney McCormick indicated the contract being recommended by Mrs. Block doesn't include the necessity of a homeowners association. He indicated this contract provides perpetual maintenance of the pump station until the City either annexes the area or takes over by gravity service. The developer will pay the City to maintain the station. The City will not pay anything as it relates to the construction of the pump station but the developer is required to pay the City for maintenance and there is security provided to make sure the City gets its money. He indicated the original recommendation coming out of the Planning Commission was to a homeowners association to own and maintain the pump station. Discussion took place on the precedent set on the Mini City area with Mr. Walters pointing out we knew that the Mini City area was coming into the City soon when that agreement was entered into; however, we do not know about this area. He indicated in his opinion, the developer should be a party to this agreement before the City makes a decision. After other discussion, Mr. Calloway made a substitute motion that the developer of Brandiwood be required to construct the sanitary sewer pump station with the understanding it would be owned and maintained by a homeowners association. His substitute motion was seconded by Mrs. Cates. It was pointed out this is what the Planning Commission recommended and the substitute motion would be to uphold the Planning Commission's recommendation relative to the pump station. In response to questioning, City Manager Benton indicated Administration does feel there should be some entity that is responsible for the ownership and maintenance of the pump station. He indicated a pump station has to be maintained on a regular basis and the homeowners association would be the entity responsible. He indicated it can be worked out but the agreement relating to the homeowners association should be approved by the City Attorney. Mrs. Block indicated she had no objections to this pointing out the Committee wasn't necessarily divided they were just trying to find a workable solution. The substitute motion was put to a vote and passed unanimously. Mayor Pro Tem ruled the motion adopted.

Mrs. Block indicated the second problem relating to this subdivision had to do with sidewalk. She indicated by split vote, pointing out she was the split vote, the Public Works Committee recommends that the request for sidewalks for Barwell Road be waived. Her motion was seconded by Mr. Calloway. Mrs. Cates indicated after study-

ing this, she would like to offer a substitute motion and that is that sidewalks be built on the other side of the street with the idea that when further development takes place, the City will know if sidewalks are necessary. She indicated she just did not want to do anything to impede this development as it is so much needed in southeast Raleigh. She indicated that development will have single-family homes in the price range of $49,000 to $69,000. She indicated when this project started the developer did not know he had to widen the street, construct curbs, gutters, sidewalks and the pump station and the cost of the project is getting out of line. She stated if this were in any other area of the City, she might feel differently. The substitute motion was seconded by Mr. Calloway. Mrs. Block questioned if the motion included who would pay for the sidewalks on the other side of the street. It was pointed out by the City Attorney that the Council has the authority to make a decision as to which side of the street sidewalks are needed. He pointed out once that decision is made, the developer would be required to build the sidewalks or if the City decided to go in and construct sidewalks prior to development then it would be assessed against the property owner. After other discussion, the substitute motion to require sidewalks on the opposite side of Barwell Road from Brandiwood Development was put to a vote which resulted in all members voting in the affirmative except Mrs. Block and Mr. Keller who voted in the negative. Mayor Pro Tem Walters ruled the motion adopted.

Mrs. Block moved approval of the request to subdivide a 44.65 acre tract which is currently undeveloped and zoned Residential-4 into 138 single family lots according to a map entitled "Brandiwood," the property of Edward W. Hedgepeth, drawn by LaMarr Bunn and Associates, dated March 23, 1984 with the conditions previously voted on today. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

SC-229 - WEST OF RANCH SHOPPING CENTER - APPROVED

Mrs. Block indicated the Public Works Committee recommends that the recommendation of the City Planning Commission, as contained in CR-5031, be upheld. The recommendation is as follows:

> That this request be approved according to a map entitled, "West of the Ranch Shopping Center," the property of Carolantic Realty, Incorporated, drawn by Hager, Smith and Huffman, dated March 23, 1984.

On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

RALEIGH LITTLE THEATRE - HANDICAPPED FACILITIES - ADDITIONAL APPROPRIATION MADE

Mrs. Block reported the Public Works Committee recommends appropriation of an additional $7,800 for handicapped access restrooms with the source of funds being Parks Capital Improvement Fund - Council Reserve. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted. See Ordinance 341 TF 21.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

NORTHWEST PLAN - INFORMATION RECEIVED

Ms. Babb indicated the Comprehensive Planning Committee has not had a meeting since the last Council Meeting. She indicated because of the work on the Glenwood Task Force, the Northwest Plan has gotten a little bit behind, but it is hoped that it will be ready for the next Comprehensive Planning Committee Meeting. The item was received as information.

REPORT AND RECOMMENDATION OF THE WORK SESSION

GREENWAY/PARKS AND RECREATION ITEM - REFERRED TO LAW AND FINANCE COMMITTEE

Mayor Pro Tem Walters indicated during discussion of the Capital Improvement Program, it was recommended that an item be referred to the Law and Finance Committee relative to the administration of the Greenway Program and the work of the Parks and Recreation Program with an eye to coordinate the administration of these programs. Mr. Keller moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COUNCIL, COMMITTEE MEETINGS - TIMES ANNOUNCED

It was pointed out, the Council during the Work Session held on April 19, scheduled a special Work Session for May 10, 1984, at 8:30 a.m. This Work Session was scheduled to discuss the Falls Lake Development Policy as well as the Arts Commission report. Mayor Pro Tem Walters indicated as a matter of information, the Real Estate Committee will meet at 8:30 a.m. on May 11, and the Intergovernmental Committee will meet on May 24 at 9:00 a.m. The item was received as information.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

COMPREHENSIVE HOUSING STUDY - ELECTION OF CONSULTANTS - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH REAL ESTATE RESEARCH CORPORATION

Pursuant to Council authorization, Administration has solicited proposals to undertake a Comprehensive Housing Study. Twelve firms were contacted and six proposals were received. A copy of the RFP and the list of responding firms was in the Council Members' Agenda packet.

Recommendation: It is recommended that Council approve selection of the firm, Real Estate Research Corporation, as the first priority, subject to Administration being able to negotiate a contract which would clearly define the project and responsibilities. The contract would be submitted to Council for approval.

Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mrs. Cates. Brief discussion took place on Administration's recommendation with Ms. Babb pointing out she knew the City had done some work with Hamer, Siler and George and questioned why their fees on this project were so much higher with representatives of Administration indicating they did not know why their fees were so much higher. In response to questioning, Assistant City Manager Yates indicated Real Estate Research Corporation is from Chicago and is one of the best known companies in this field. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RALEIGH-CARY SANITARY SEWER AGREEMENT - AMENDMENT AUTHORIZED

Recently, the City Council approved an amendment to the Intermunicipal Agreement which provided an additional connection to the Walnut Creek Outfall to serve an area west of Jones Franklin Road. A provision in the proposed agreement stipulated that wastewater would flow only from the area in the Walnut Creek Drainage area.

The Town of Cary has requested that the agreement be revised to allow flow from additional areas. Included in the Council Members' Agenda packet was the proposed revised agreement and a map indicating the area to be served.

Recommendation: It is recommended that the revised agreement be approved. Mr. Congleton moved approval of Administration's recommendation as outlined. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RALEIGH MUNICIPAL BUILDING - REQUEST FOR REDUCTION IN RETAINAGE FEES - APPROVED WITH PROVISIONS

The architect confirms that the prime contractors for the New Municipal Building have substantially completed their contract. Their status is as follows:

Contract	Contractor	Percent Completion	Contract Amount
General	Mid-South Cont.	96%	$3,579,182.07
Plumbing	Triangle Mech.	99%	239,111.00
Electric	Bolton Corp.	99%	703,040.78
HVAC	Stahl-Rider	99%	735,561.00
Open Off. Planning	A. Williams & Co.	95%	248,052.36
Telephone	Telerent	90%	280,069.44

Recommendation: It is recommended that the contract retainage be reduced from ten percent to five percent except for the general contractor where seven percent would be withheld. This recommendation would be, also, with the provision that these reductions may be approved by the City Manager on Friday, May 4, if the contractors demonstrate the required commitment to completing the designated punch list items.

Mr. Congleton moved approval of the reduction in retainage fees as outlined. His motion was seconded by Mrs. Cates. Ms. Block indicated she is not sure if she wanted to approve the item relating to the heating and air conditioning as it seems to be awfully cold in some areas and hot in other areas. City Manager Benton indicated he is not sure that is the fault of the contractors involved, he feels that the City personnel must learn to manage the system. He pointed out they have complied with the contract and have installed the system as called for. Other discussion took place as to what the retainage would be, the need to adjust the system and problems with operating the system after which Mr. Congleton called for the question. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted. The Mayor Pro Tem ruled the motion adopted.

Mayor Pro Tem Walters indicated he hoped that City Administration would follow up on the comments about the problems with the heating and air conditioning system with City Manager Benton indicating he would; however, he thought it was just a matter of balancing the system.

PERSONNEL - REVISIONS TO THE POSITION-CLASSIFICATION AND PAY PLAN - APPROVED TO BE EFFECTIVE JULY 1, 1984

The City Personnel Department performs a semiannual review of positions or jobs in the organization to ascertain if they are at the proper pay grade and position class based on duties and responsibilities. The following adjustments are proposed:

Department/ Division	Present Class/Grade	Proposed Class/Grade
Public Works/ Sanitation	Office Assistant II/21 (1 position)	Office Assistant III/23
Central Engineering	Engineering Aide I/21	Engineering Aide I/22
	Engineering Aide II/24	Engineering Aide II/25
	Engineering Aide III/29	Engineering Aide III/30
	Engineering Aide IV/31	Engineering Aide IV/32
	Const. Insp. Supv./32	Const. Insp. Supv./33
Parks and Recreation/Parks	Labor Supervisor/29 (1 position)	Const. Supervisor/30
	Auto Service Atten./22 (1 position)	Auto Repair Worker/25
Transportation	Traffic Engineering Tech II/28	Traffic Engineering Tech II/29
	Traffic Engineering Tech III/30	Traffic Engineering Tech III/31
Public Works/ Administration	Building Supt./35 (1 position)	Building Supt./36
Public Works/ Streets	Laborer I/19 (3 positions)	Laborer II/21
	Mason/24	Mason/25
Planning	Drafter I/25 (1 position)	Zoning Drafter/27
	Planner II/36 (2 positions)	Planner III/37
	Planner III/38 (1 vacant position)	Planner III/37
	Planner III/38 (1 position)	Senior Planner/38
	Planner III/38 (1 position)	Assoc. Director - Strategic Planning/39
Personnel	Personnel Director/42	Personnel Director/44
Finance	Finance Director/45	Finance Director/46

Recommendation: It is recommended that the adjustment in pay grades and position classifications be approved to be effective July 1, 1984. Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BIDS - WATER LINE - NEW HOPE/POOLE ROAD - BID AWARDED TO T.A. LOVING CO. - FUNDS APPROPRIATED

March 27, 1984, at 10:30 a.m., bids were received to extend the water main to the Charles River facility.

The following bids were received:

T. A. Loving Co.	$202,785.00
J. F. Wilkerson Co.	$213,135.50
Billings & Garrett, Inc.	$213,831.70
Halwey Const. Co.	$241,494.00
Guard Corp.	$249,517.50

Recommendation: It is recommended that the contract be awarded to T. A. Loving Company in the amount of $202,785. It is further recommended that the following budget amendment be approved to establish the funding needed for this project. This amendment reflects income from private sources to contribute towards the installation of this line. It is noted that the County is also funding a portion of the cost of this line.

The following accounts should be increased by:

Revenue Accounts		
80-1-0010-0145	Charles River	$37,000.00
80-1-0010-0146	Dickerson	43,785.00
		$80,785.00

Expense Accounts		
80-2-1443-0101	Charles River-A	$63,785.00
80-2-1000-0000	Reserve for Council Project	17,000.00
		$80,785.00

Mr. Calloway moved administration's recommendation be upheld. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

ORDINANCE NO. (1984) 340

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1984 Budget Ordinance be amended as follows to place into expenditure account a contribution made by Oakwood Garden Club:

Revenue:	37-1-0070-0200	Misc. Income.	$100.00
Expense:	37-2-3000-0191	Tucker House Grounds	$100.00

Section 2. That the 1983/1984 Budget Ordinance be amended as follows to place into expenditure account restitution for stolen property:

Revenue:	01-1-0070-0200	Misc. Income	$231.63
Expense:	01-2-6020-0225	Repairs to Bldg. & Stru.	$231.63

Section 3. That the 1983/1984 Budget Ordinance be amended as follows to reflect income from Charles Rivers Breeding Laboratories and from Dickerson Group to allow for award of contract WS 1984-2:

Revenue:	80-1-0010-0145	Charles Rivers	$37,000.00
Revenue:	80-1-0010-0146	Dickerson	43,785.00
Expense:	80-2-1443-0101	Charles Rivers-A	$63,785.00
Expense:	80-2-1000-0000	Res. for Council Proj.	17,000.00

Adopted: 5/1/84

BIDS - NEW HOPE CEMETERY IMPROVEMENTS - AWARDED TO J.C. EDWARDS - FUNDS APPROPRIATED

The Council authorized a portion of the Jobs Bill to be expended on the upgrading of Mt. Hope Cemetery.

After re-advertisement, the following two bids for the Mt. Hope Cemetery Improvements have been received:

J. C. Edwards	$ 80,943.00
Phillip Ellen & Associates	118,800.00

The cost estimate, as prepared by the Parks Department, was approximately $75,270. The bid is approximately eight percent higher than the cost estimate.

Recommendation: It is recommended that the low bid of $80,943, as submitted by J. C. Edwards, be approved.

A transfer of funds will be necessary as shown below:

From:		
37-2-1000-0100	Council Reserve for Park Improv. P&R Department	$ 5,386.98
To:		
43-2-6000-0103	Mt. Hope Cemetery Comm. Dev. Dept.	$ 5,386.98

Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. Mayor Pro Tem ruled the motion adopted.

ORDINANCE NO. (1984) 341 TF 21

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 34-2-3806-0100	Mun. Bldg. Renovations	$14,000.00
To 34-2-3806-0107	Mun. Bldg. Renovations "B"	14,000.00

Purpose: To establish account and provide sufficient funds to pay for engineering and architects services for renovations to Municipal Bldg.

From 34-2-3806-0100	Mun. Bldg. Renovations	$ 1,000.00
To 34-2-3806-0104	Mun. Bldg. Renovations "D"	1,000.00

Purpose: To establish account and provide sufficient funds to pay miscellaneous expenses for renovations to Municipal Building.

From 01-2-5050-0219	Lights & Power	$ 3,030.00
To 01-2-5050-0265	Other Services	3,030.00

Purpose: To fund Janitorial services contract and sufficient funds to pay moving contract.

From 37-2-1000-0100	Council Reserve for Park Imp.	$ 5,386.98
To 43-2-6000-0103	Mt. Hope Cemetery	$ 5,386.98

Purpose: To provide funds for Mt. Hope Cemetery Improvements.

From 38-2-1000-0100	Council Reserve	$ 7,800.00
To 38-2-3350-0100	Raleigh Little Theatre	7,800.00

Purpose: To make additional appropriation for handicapped-access restrooms.

Adopted: 5/1/84

ATLANTIC AVENUE PROJECT - DEFERRED UNTIL NIGHT SECTION OF THE MEETING

CIVIC CENTER - FUNDING FOR CONNECTION TO UNDERGROUND PARKING GARAGE - CONCEPT APPROVED

City Manager Benton explained the background of this situation pointing out an underground parking garage is being built by York Hannover in the Civic Center Plaza. He indicated there is a need to connect the underground parking with the Civic Center and the Council has authorized Haskins and Rice to proceed with the design of this connection while the City Administration is working on a financing solution. He indicated the cable franchise calls for the franchisee to construct an access studio and the concept involves the cable facility being in the Civic Center. He indicated the City would receive some $400,000 from the cable franchisee if we allowed the access facility to be in the Civic Center and we could use these funds to off set the cost of the connection to the underground parking facility. Mr. Benton briefly explained the access facility and an additional meeting room needed at the Civic Center to replace the space that would be taken over by the studio. He indicated the Telecommunications Commission has met and expressed their concurrence with this concept and ATC concurs with this concept. He indicated to follow up on this concept, it would be necessary to draft a lease agreement with ATC for this space in return for their payment. Ms. Babb moved approval of the concept as outlined. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

MUNICIPAL AGREEMENT - LAKE WOODARD DRIVE - APPROVED

City Manager Benton presented the following report concerning this item.

On March 20, 1984, the City Council approved the concept for extending Lake Woodard Drive westward to Timberlake and Brentwood Roads. It was noted at the meeting that a Municipal Agreement would be necessary between the City and the State as well as an agreement with Development Associates, which would participate in the project.

The State Department of Transportation has submitted a Municipal Agreement and a copy is enclosed. In summary it provides that:

1. Right-of-way — City Provides Total Right-of-way.
   (Area east of Marsh Creek by developer at no cost)
   (City acquire area west of Marsh Creek which crosses Carroll Tract)

2. Design — City Provides Total Roadway design.
   (Developer to do all design)

   State to Design Culvert

3. Construction — City to Award Bids and provide for Construction Inspector.

4. Financing of Roadway
   State to pay cost from Timberlake Drive to Marsh Creek.
   State to pay 50% of culvert across creek.
   City to pay 50% of culvert and area east of creek (City will fund $70,000 and developer will pay balance on roadway).

The proposed agreement with the developer, Development Associates, has not been finalized. However, the proposed terms of the agreement would be as follows:

Development Associates will -

1. Dedicate to City all necessary right-of-way east of Marsh Creek.

2. Design total roadway.

3. Pay cost of roadway east of Marsh Creek except for $70,000. Payment will be made at time of award of bids by City.

City will -

1. Acquire all necessary right-of-way west of Marsh Creek.

2. Provide for design of culvert through North Carolina Department of Transportation.

3. Pay $70,000 as share of cost of construction of road east of Marsh Creek.

4. Provide for payment of cost of culvert and road west of Marsh Creek in conjunction with State.

5. Award bids and inspect project.

Recommendation: It is recommended that the City Council approve the execution of these two agreements and authorize the project to proceed.

Mr. Benton indicated the City has just received the agreement from the State DOT and passed out a copy of the agreement. He indicated we have not finalized the agreement with Development Associates yet, but he has discussed this concept with Mr. Sandman, and it appears that we have a project that can move forward. He indicated the City Council appropriated $200,000 in the Capital Program for this item and he feels it can be built within that commitment or a lower level. Mr. Congleton moved approval of the execution of the agreements to authorize the project to proceed. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

RESOLUTION 1984-511

WHEREAS, the North Carolina Department of Transportation and the City of Raleigh propose to make certain street and highway improvements consisting of the construction of Lake Woodard Drive from Brentwood Road to the existing portion of Lake Woodard Drive; and,

WHEREAS, the Department of Transportation and the City of Raleigh propose to enter into an agreement for construction of the aforementioned highway improvement whereby the City of Raleigh agrees to design the project plans, acquire the right of way and adjust utilities, award the construction contract, and supervise project construction; and,

WHEREAS, said agreement provides for the City of Raleigh to be responsible for the costs of design and preparation of plans for the entire project, with the exception of the culvert at Marsh Creek which will be the responsibility of the Department, for the costs of engineering and supervision of construction of the entire project, and for administrative costs incurred in the acquisition of right of way of the project; and,

WHEREAS, said agreement further proves for the Department of Transportation to reimburse the City of Raleigh for the actual contract construction cost of the project from Timberlake Road to the middle of Marsh Creek, which includes 50% of the cost of the culvert at Marsh Creek.

NOW, THEREFORE, BE IT RESOLVED that Project 6.904037, Wake County, is hereby formally approved by the City Council of the City of Raleigh and that the Mayor and Clerk of the City of Raleigh are hereby empowered to sign and execute the required agreement between the City of Raleigh and the Department of Transportation.

MUNICIPAL BUILDING ANNEX - BIDS FOR RENOVATION - TO BE AWARDED BY ADMINISTRATION CONDITIONALLY

Bids for the renovations of the Municipal Building Annex are to be received on Wednesday, May 2, 1984. Our normal practice will be to bring those to the Council Meeting on May 15, 1984.

Because of the urgency to proceed with moving our personnel into the City buildings and out of the Dillon Building, it is desirable to award the bids for this work as quickly as possible.

The work involves a corridor modification on the third floor, wall modifications on the first floor, the cafeteria area, and reroofing the building. The estimated total cost is $150,000.

Recommendation: Due to the time constraints, it is recommended that the Council authorize award of the bids to the low responsible bidder provided competitive bids are received on each project and are within the estimated cost of $160,000.

City Manager Benton indicated the Council could hold this item until May 15 or following the recommendation as outlined. Mr. Congleton moved that the recommendation as outlined on the Agenda; that is, that the Council authorize award of the bids to the low responsible bidder provided competitive bids are received on each project and are within the estimated cost. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

AMERICAN TELEPHONE AND TELEGRAPH - CITY AUTHORIZED TO ENTER INTO CONTRACT

City Attorney McCormick indicated since the breakup of AT&T we have been asked to sign an agreement which would enable the City of Raleigh Public Works Department to contract with AT&T if there was a need and if we had their equipment installed. He stated this would not affect the new municipal building. He indicated he has reviewed the proposed contract and it does not obligate the City to do anything but allows the City to enter into a contract with AT&T in the future. He explained that he would recommend approval of the contract. Mr. Congleton moved the Attorney's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor Pro Tem ruled the motion adopted.

HYMETTUS WOODS PARK - PROPERTY EXCHANGE - REFERRED TO REAL ESTATE COMMITTEE

City Attorney McCormick indicated at the April 17, 1984, Council Meeting, at the recommendation of the Real Estate Committee, the Council authorized a swap of property relating to Hymettus Park. He indicated in working on the exchange of this property, some problems have come up and he would suggest that this item be referred back to real estate committee for further discussion. Without objection, the item was so referred.

REPORT OF MAYOR AND COUNCIL MEMBERS

MAYOR'S DAY - ANNOUNCED

Mayor Pro Tem Walters indicated June 12, 1984, is Mayor's Day and passed out information on the activities. He suggested that Council Members let the Council Secretary know if they plan to attend.

BALLOON - COMMENTS RECEIVED

Mr. Walters indicated recently he found a balloon that had been released by an elementary school in Worst, Virginia. He read a letter from Nia Day. He indicated an article appeared about this in the paper and he sent it to the school in Virginia and he had received a letter from Nia Day expressing appreciation.

EASTERN BOULEVARD EXTENSION - PROPOSED ALIGNMENT - REFERRED TO ADMINISTRATION

Mayor Pro Tem Walters indicated he would like for Administration to look at the alignment of Eastern Boulevard Extension between Peyton Street and Poole Road. He indicated an owner of some property in this area wants to dedicate the right-of-way if the City could pin it down. The item was referred to Administration.

DANCE SCHOOL - TO BE COMMENDED - REFERRED TO ADMINISTRATION

Mr. Walters indicated Karen Edwards owns a school of dance in Oak Park Shopping Center area. He indicated this school has recently been honored in the southeastern Regional Competition and has been granted performing status and this is a very high honor. He stated he would like to refer to Administration or Research and Information this item in order for them to come up with some way to honor this unusual and notorious feat. The item was so referred.

RALEIGH MUNICIPAL BUILDING - CHANGES TO COUNCIL PLATFORM - REFERRED TO MUNICIPAL BUILDING COMMITTEE

Mr. Keller indicated after the last Council Meeting, he discussed the need to enlarge the City Council Platform in the Municipal Building. He indicated he had met with the architect and the people who designed the Council table and discussed alternatives that would allow more space at the Council table. He indicated he understands plans have been prepared and have been forwarded to Graham Beachum's office and he wonders if the Building Committee will discuss this item. City Manager Benton indicated the Building Committee will be meeting shortly and this item could be included on that Agenda. Without objection, the item was so referred.

REQUEST AND PETITIONS OF CITIZENS - PERSONS ADDED

Ms. Babb indicated as a point of personal privilege she would like to add two persons to the Request and Petitions of Citizens' section of the Night Agenda. One would be Jerry Mullis relating to the cable issue and the other would be Thad Eure, Jr., representing his father and problems he is having with relocation. Without objection, it was agreed that the two people would be added to the Night Agenda.

RAIL PASSENGER SERVICE - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Congleton indicated he had received a letter from the Council of Government representative in the Charlotte area dealing with the rail passenger service between Charlotte and Raleigh. He indicated the City of Raleigh is not that involved but he would like to look into this item and would request that the matter be referred to Law and Finance Committee. Without objection, the item was so referred.

OPTIMIST POOL - TIME OF CLOSING BETWEEN SEASONS TO BE MINIMIZED

Mr. Congleton indicated he had received a letter and a petition from the Friends of Optimist Pool who are very concerned about the closing of the Optimist Pool for three weeks during summer and fall between seasons. He indicated he has learned that it needs to be closed only for one week in order to put up the bubble and take the bubble down. He stated he feels we need to look at this very carefully. He indicated he knew that this item had been studied by the Parks and Recreation Department and Administration, but he just feels that it should be double checked and he feels as a minimum that we should at least open the pool on weekends for general admission and if possible extend the hours that it would be open. He indicated this pool is used by many elderly and handicapped people and if you take three weeks away from their routine it does cause problems. Ms. Cates indicated she too had received calls about this and she understands that Biltmore Hills will be open and available when Optimist is closed. Mr. Congleton indicated in his opinion the big question is the rationale for the three week closing. Discussion took place on what is proposed for the three weeks with Mr. Congleton indicating during this time, the pool will be open in the morning and afternoon for contract type swimming and what we are doing is excluding the general admission during this time and he just does not feel that that is a good solution. After other discussion, City Manager Benton indicated it is his understanding that the City Council wants administration to minimize the time that Optimist Pool is closed during the transition from winter to summer/summer to winter with Council Members agreeing that that was the consensus.

SUBDIVISION REQUIREMENTS - STREET IMPROVEMENTS - REFERRED TO PUBLIC WORKS COMMITTEE

Ms. Cates indicated she is concerned with the inequities in our City code that requires some developers to build, widen, curb and gutter streets when developing a subdivision while other developers, depending on how they orientate their subdivision are not required to make these improvements. She stated she would like this item referred to Public Works Committee for evaluation. Without objection, the item was so referred.

SOUTHEAST RALEIGH DEVELOPMENT - GUIDELINES AND INCENTIVES REFERRED TO ADMINISTRATION FOR REPORT TO PUBLIC WORKS COMMITTEE

Ms. Cates indicated she would like to ask the staff to prepare, on paper, what incentives are in place to guide growth and to promote growth in southeast Raleigh and what plans we have in this direction. She stated she would like for this item to be referred to Public Works Committee to receive the staff report. Without objection, the item was referred to Public Works Committee.

HOUSING CODE VIOLATIONS - NORTH CENTRAL CAC REPORT - REFERRED TO PUBLIC WORKS COMMITTEE

Mrs. Block indicated at a recent meeting, the City Council received a letter from the North Central CAC outlining areas and particular addresses that they feel constitute or have housing code violations. She stated she was impressed with the list and pointed out some of the names or property owners appear on the Council Agenda time and time again for Housing Code Violations. She indicated she understood administration is looking at the listing and she would like to refer this item to Public Works Committee and let Administration report to the Public Works Committee. She indicated in addition she would hope that we could come up some solution about houses that are boarded up for years and years. Without objection, the item was referred to Administration.

DWI PROGRAM - COMMUNITY SERVICE WORK - REFERRED TO ADMINISTRATION

Mrs. Block indicated in reading the Northwest CAC Minutes, she saw where they were discussing the possibility of checking into whether persons convicted of DWI and sentenced to serve so many hours of community service could be made available to clean around elderly and disabled houses in the City. She indicated she would like for Administration to look into this to determine if the City could accept this type service and if so send notices to the judges that the City would like to be considered. She indicated many times a judge may not know of any public service that he could require a defendant to do. She indicated there are many people who are shut in and cannot do menial tasks around their houses and this may be a way to get some of that work done. She asked that the item be referred to Administration for consideration. Without objection, the item was so referred.

CARNAGE MIDDLE SCHOOL - SPIRITS AND SCHOLARS OF THE OLYMPICS - TO BE COMMENDED

Ms. Block indicated recently she attended an event at Carnage Middle School relating to Spirits and Scholars of the Olympics. She indicated it was a very big event, they had a parade and every child participated. She indicated this was a very enjoyable event and the children worked very hard and she would like for the City to send some type of commendation to the school for the work they have done. Without objection, the item was referred to Administration.

COUNCIL MEETING - MS. BLOCK TO BE EXCUSED

Mrs. Block asked to be excused from the night portion of the meeting, pointing out she is making a speech on behalf of the Mayor who is out of the City. Without objection, it was agreed that Ms. Block would be excused.

REPORT OF CITY CLERK AND TREASURER

PRELIMINARY ASSESSMENT ROLLS - RESOLUTION ADOPTED

Council Members received the following preliminary sidewalk assessment rolls which are recommended for adoption which would set a public hearing to consider confirmation during the June 5, 1984, Council Meeting:

Sidewalk AR-201 - North Hills Drive
Sidewalk AR-202 - Leesville Road

Mr. Keller moved adoption of the preliminary assessment rolls as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 512

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 201

WHEREAS, by Resolution No. 1982-835 adopted by the City Council on February 16, 1982 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefore;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH;

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on the south side of North Hills Drive from Leesville Road to existing sidewalks.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $8,839.94.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Crabtree Valley Baptist Church, Inc.	1	0087396	-	4408 Leesville Rd.	$1,007.40
Edward & Mary Hill	2	0030821	1	4301 Hillock Dr.	451.29
Kathryn Brinkley Mary Hill	3	0023616	17	2128 North Hills Dr.	439.98
Robert K. Hayes & Wife	4	0029601	16	2124 North Hills Dr.	297.50
Allen & Helen Lovett	5	0026749	15	2120 North Hills Dr.	297.50
Herman & Anne Geisler	6	0074228	14	2116 North Hills Dr.	297.50
Herman & Anne Geisler	7	0023611	13A	2112 North Hills Dr.	297.50
Creative Days, Inc. of NC	8	0012501	54	2100 North Hills Dr.	169.75

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Herbert H. Byrd	9	0010757	-	2245 North Hills Dr.	653.56
Bern F. Bullard, Sr.	10	0009835	-	2201 North Hills Dr.	1,443.22
Jesse & Betty Brinkley, Jr. Louise Austin, Dan & Joann Austin	11	0008347	-	2121 North Hills Dr.	847.00
Jesse & Betty Brinkley, Jr. & Louise Austin	12	0008348	-	2121 North Hills	483.00
East-West Prop., Inc.	13	0012498	-	North Hills Dr.	1,682.24
Knolls - Crabtree Valley Assoc.	14	0042701	-	Knolls Apts. North Hills Dr.	472.50

Cost Per Foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No., 201 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 5th day of June, 1984 at 7:00 P.M. In the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 5/3/84

RESOLUTION NO. (1984) 513

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 202

WHEREAS, by Resolution No. 1982-835 adopted by the City Council on February 16, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefore;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed; Installation of sidewalks on the east side of Leesville Road from North Hills Drive to Glenwood Avenue.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $2,546.38.

Section 3, That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Royal Hills, Inc.	1	0061509		4300 Glenwood	$493.64
Royal Hills, Inc.	2	0061509		4315 Leesville	630.17
Irene Babuin	3	0023909		4401 Leesville Road	196.00
Charles M. Winston	4	0099289	1	Leesville Road	468.58
J.T. Hobby & Son, Inc.	5	0031461	3	4212 Leesville	647.53
Herbert H. Byrd	6	0010757		2245 North Hills Drive	110.46

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 202 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 5th day of June, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted. 5/3/84

ADJOURNMENT

There being no further business, Mayor Pro Tem Walters announced the meeting adjourned at 2:55 p.m. to be reconvened at 7 p.m.

Gail G. Smith
City Clerk and Treasurer

dg/CC

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, May 1, 1984, at 7 p.m. in the Council Chamber, 222 West Hargett Street, with the following present:

Mayor Pro Tem Walters, Presiding
Ms. Babb - Arrived late
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller

Mayor Pro Tem Walters called the meeting to order indicating Mrs. Block and Mr. Upchuch had asked to be excused from the night portion of the meeting. He indicated Ms. Babb had called and would be arriving a little late. Mr. Keller indicated as a point of privilege, he would like to add a person to Requests and Petitions of Citizens. Without objection, Betty Lou Ward was added to the Agenda.

REQUESTS AND PETITIONS OF CITIZENS

ENCROACHMENT - 2003 FAIRVIEW ROAD - WITHDRAWN

Dwayne C. Holloway, representing J. J. Rose Associates, had requested permission to discuss an encroachment in order to hang a sign at 2003 Fairview Road. Mayor Pro Tem Walters indicated this item has been withdrawn.

STREET CLOSING McDONALD LANE - APPROVED - FEE WAIVED

Barbara Ward, representing White Memorial Church, was at the meeting to request the closing of McDonald Lane between Oberlin Road and Colonial Road on Friday, June 22, between 10:00 a.m. and 1:00 p.m. for a Bible School picnic. She indicated she is also requesting that the $50 fee be waived. City Manager Benton indicated that Administration has no objection as long as barricades are provided and installed and removed by employees of the church. The police beat officer will monitor the area for assistance. Mrs. Cates moved approval of the request as outlined. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. Mayor Pro Tem Walters ruled the motion adopted.

HOUSING VIOLATION - VARIOUS LOCATIONS - REFERRED TO THE PUBLIC WORKS COMMITTEE

Jesse Grissom, 300 St. Augustine Avenue, indicated he was representing the Community Watch Program of College Park. He indicated they are concerned in that they have some houses in the community that have been boarded up 8 to 10 years. He indicated there are three locations that are in pretty bad shape - 312 Hills Street, 1310 Pender Street and 1309 Pender Street. He indicated he was at the meeting to request that the houses be torn down or fixed up. Mr. Walters indicated he was very familiar with this area and there are some houses that have been boarded up a number of years. After brief discussion, Mr. Calloway moved that the request be referred to Public Works Committee. Without objection, the item was so referred.

WESTWOOD DEVELOPMENT - REQUEST TO ELIMINATE PROPOSED EXTENSION OF WILDERNESS ROAD - PUBLIC HEARING AUTHORIZED FOR MAY 17

John W. Graham, representing Charter Carolina Company, was at the meeting explaining his request relating to the proposed extension of Wilderness Road through to Creedmoor Road. He indicated under the original Comprehensive Plan, this road extension was shown one way. In 1980 there was an amendment to the Comprehensive Plan that would show Wilderness Road coming out to Creedmoor Road rather than coming out to Lynn Road as it was in the original plan. He indicated when his client started developing this 26 acre tract of land pointing out he was involved in this land when they learned of the change and that the road would have to come through to Creedmoor. He pointed out that probably the best and most attractive feature of this land is a big double row of pin oaks that was planted some 35 years ago by the former owner. He indicated this double row of trees goes right through the middle of the property and the new road alignment would require taking out many of these trees. He stated he was at the meeting to request that the alignment be amended or at least just let it go through the property at another location. Mr. Graham presented a sketch plan showing the location of the pin oaks and showing another possible alignment of the road that would continue on in its north south direction like it is presently developed in the Village Grove Development. He indicated the people in the City's DOT Department say there could be some advantages of having this road parallel to Lynn Road rather than emptying into Lynn or Creedmoor Road.

City Manager Benton indicated the information given by Mr. Graham concerning the amendment to the plan in 1980 is correct. He indicated if the City Council wanted to consider this adjustment that the proper action would be to initiate the process for a public hearing to consider adjusting the plan. He indicated it is a good chance that the present alignment would remove mature trees and extending the road southward to Lynn seems to be a good possibility. He pointed out there is a tract south of this property that contains some 50 acres and when it is developed, a circulation plan would need to be developed and this road could possibly fit into that circulation plan. Brief discussion took place after which Mr. Congleton indicated he feels that the proposed alternate alignment would address some of the problems in the area. Therefore, he would move that the Council schedule a public hearing for amending the collector street plan of the Comprehensive Plan and that that hearing be

scheduled for May 17. His motion was seconded by Ms. Cates. Discussion took place concerning the trees and the actual type of trees with Mr. Keller pointing out if they are actually pin oaks that they are not worth saving, but he would suspect that they are willow oaks. The motion as stated was put to a vote and passed unanimously. The Mayor Pro Tem ruled the motion adopted.

MS. BABB ARRIVES AT THE MEETING

SANITARY SEWER EASEMENT - REQUEST FOR ENCROACHMENT/EXCHANGE - APPROVED WITH CONDITIONS

Anderson Marlowe indicated he was building a house at 8500 Bannister Court and this house does encroach by about one and one-half feet on the sanitary sewer easement and he is requesting that he be granted an encroachment or that he be allowed to exchange the easement.

City Manager Benton indicated the City does have reservations about granting an encroachment as all lines need to have easy, quick access in case of a need for repair. He indicated we could reduce the likelihood of need for repair by replacing ductile iron pipe in this location and require the owner to install the ductile iron sanitary sewer. Public Utilities Director Butler indicated maybe an easement exchange should also be granted so it would not cloud the title of this property. Ms. Cates moved approval of an easement exchange with the stipulation that the developer will install ductile iron pipe along the area the house encroaches and refer it to the City Attorney and Administration for drafting of proper encroachment documents and easement exchange. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor Pro Tem ruled the motion adopted.

MUNICIPAL BUILDING ANNEX - NAME - REFERRED TO MUNICIPAL BUILDING COMMITTEE

Sara Karpovich was at the meeting indicating she was representing a group of concerned citizens who are concerned that the City Council has named the old Municipal Building the Municipal Building Annex. Ms. Karpovick indicated the citizens of Raleigh could not do without the service of the Raleigh Police Department and it is felt that it is degrading that they are in a building known as Municipal Building Annex. She read the definition of annex pointing out really the new municipal building is the secondary building; therefore, it is the annex. She stated the Raleigh Police Department is not secondary and shouldn't be labeled as such explaining they do a dirty job and get very few thank yous. She stated the police department will be occupying some 90 percent of the building; therefore, they feel that it should be named the Raleigh Police Department. She explained they distributed petitions throughout the Police Department and presented the petitions signed by the persons asking that it be named the Raleigh Police Department. She indicated people have trouble finding the Raleigh Police Department and explained there is nothing on McDowell Street that says the Raleigh Police Department is located in that building. She indicated she feels and the others feel that we owe the Police Department and they should not be housed in a building named the "annex."

Mr. Congleton suggested the item be referred to Law and Finance Committee. Ms. Cates pointed out the item was discussed in the New Municipal Building Committee and maybe it should be returned to that Committee with Mr. Congleton amending his motion to refer the item to the Committee for the New Municipal Building. His motion was seconded by Ms. Cates. Mr. Benton indicated there is some problems with this request pointing out the old building was built in 1959 and dedicated as the Municipal Building explaining it is not like we are starting out with a new building and trying to name it. He indicated in addition the old building is not entirely occupied by the Police Department. Mr. Walters explained that one City had built a new municipal building, however, had to name the new building the annex because of these problems. The motion as stated was put to a vote and passed unanimously. The Mayor Pro Tem ruled the motion adopted.

CURBING - VARIANCE AT 3703 OLD LASSITER MILL ROAD - APPROVED WITH CONDITIONS

Thad Eure, Jr., was at the meeting representing his mother and father who are moving from New Bern Avenue to Old Lassiter Mill Road. He indicated he had a builder, driveway man, concrete man, landscaper, etc., but somehow between all of them they did not realize that the City does not allow curb and gutter unless it is continuous for a total block face. He indicated to help with drainage, etc. they had started to construct curb and gutter and were getting ready to pour concrete and were told by the City that it did not meet City standards as the City did not allow curb and gutter in a section of a block only. He indicated he was at the meeting to request a variance to allow him to put curb and gutter at 3703 Old Lassiter Mill Road and he would be glad to enter into an agreement holding the City harmless and having a bond or whatever to protect the City.

City Manager Benton indicated the City does require any curb and gutter sections to be built for a block face to provide for safe traffic movement, not impede drainage, etc. He explained the Chief Engineer had looked into this situation and does not feel that the location of the curb and gutter would adversely affect drainage or create a traffic problem; therefore, he would recommend that the variance be approved with the stipulation of the property owner enter into an agreement holding the City harmless and providing that the curb and gutter would be removed at no expense to the City if needed and that the property owner would be assessed under normal policy if the street were improved. Ms. Babb moved approval of the variance with the stipulations as outlined by the City Manager. Her motion was seconded by Mr.

Congleton and put to a vote which passed unanimously. Mayor Pro Tem ruled the motion adopted.

CABLEVISION FRANCHISE - CONCERNED - REFERRED TO THE LAW AND FINANCE COMMITTEE

Jerry Mullis indicated the City Council was elected by the citizens to defend the equitable rights of citizens and not large companies. He indicated the only thing that cost more than education is ignorance and in this case ignorance to the public outcry by the citizens. He indicated the Telecommunications Commission has done their job and have reviewed this issue but pointed out this issue has been going on for several prior City Councils. He indicated as he understands it, the previous City Council just got disgusted and awarded the contract to ATC. He indicated he understood the cable franchise is for fifteen years and he feels we need to correct the situation now. He stated in his opinion there have been deceptive practices and he feels we should have a descrambled system. He indicated to this point cablevision's only argument is that they need an addressable system primarily to prevent cablevision threat. He questioned by we need an addressable scrambled system. Mr. Walters pointed out the City Council had many public hearings and required an addressable system that the cable franchisee did not want to have an addressable system in the beginning. Mr. Mullis explained that the citizens are appreciative of the fine cable system that we have but the issue is whether the system we have is fair and equitable. He stated he is asking that the Council consider not having a scrambled system. A system that does not require convertors and allow cable ready tv's to pick up the system and have this at a price that is fair to all. He stated he feels that the convertors should be required only for those who wish to have pay extras. He stated in his opinion there has been a lot of deception about the cable franchise and he would like for the council to consider reopening of the contract as in his opinion there are serious problems. After brief discussion, Ms. Cates moved that the item be referred to Law and Finance Committee. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. Mayor Pro Tem ruled the motion adopted.

FLOODING PROBLEMS - GRAYWOOD DRIVE/BRENTWOOD TODAY - REFERRED TO PUBLIC WORKS COMMITTEE

Betty L. Ward, 3805 Camino Drive, was at the meeting representing property owners who reside on the Marsh Creek Tributary in the Brentwood Today Subdivision. She indicated they are concerned about the development taking place at the end of Graywood Drive in their subdivision. She pointed out eleven years ago, she and her family purchased their home on this quiet cul-de-sac on a stream, etc. They indicated they did not think that the area in question was buildable as they thought it was in the floodplain. She stated, however, about a month ago they were awakened by bulldozers and saw that filling was taking place in this area and she understands that thirteen lots are being developed by Adams Bilt Company. She indicated about two years ago she and other neighbors came to the City when rezoning of this area was taking place and at that time they were told that this area was considered floodplain and would not be developed. She stated they are very concerned about the diminishing quality of life in the area. She explained much of the area is a flood hazard area but the City is allowing the fill and development to occur. She indicated they were at the meeting to ask the City to evaluate this development in terms of the impact of this project on the immediate area and surrounding homes. She stated they do not understand how the City can allow filling of a flood area and construction of houses.

Mr. Walters indicated he had this item referred to Administration at last meeting. City Manager Benton indicated Administration did check the situation and explained a floodplain has a flood fringe and a floodway. He stated no development is allowed in the floodway and according to the information he has, the houses will be built in the fringe of the floodplain not in the floodway inself. Ms. Ward indicated they felt that this construction will change the direction of the drainage and explained that prior to construction starting at the Mini City area, there was a small, nice lake in the area. She explained concerns they had a couple of years ago when the rezoning was taking place about the large culvert and the flow of the water; however, the citizens accepted the fact and felt that the Council or City was acting in the best interest of the citizens but they question this development and the impact of this development on their homes. In response to questioning, it was pointed out that they have flooding problems already. Mr. Daniel indicated he purchased his home about a year ago and his mortgage company required him to purchase flood insurance. He stated, however, there seems to be some confusion as to the actual elevation as he has been told 230 feet and 234 feet. Other discussion took place as to whether the City could do anything about the development with one gentleman indicating they are continuing to fill and they are working ten hours a day. The City Attorney indicated the City could check to see if what they are doing is what their grading permit indicates they are doing. Ms. Babb stated she did not remember seeing a site plan or a subdivision come through on this area with Mr. Benton pointing out he thinks it was a part of the Huntleigh Drive project that was approved some time back. After brief discussion by general consensus, the item was referred to Public Works Committee.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

TELECOMMUNICATIONS TOWER - FRONT STREET - APPROVED

This was a hearing to consider an application of Millidyne, Incorporated, to construct a 100-foot telecommunications tower on property located at the end of Front Street. Jerry Colclough was at the meeting and explained the work of the company. He indicated the Telecommunications tower is needed for the testing of their equipment. He indicated he has complied with all of the criteria as outlined in the ordinance as it relates to site plan, landscaping plans, height, lighting, setback, etc. The Mayor Pro Tem opened the hearing to the public. No one asked to be heard; thus, the hearing was closed. City Manager Benton indicated they have submitted all of the material, plans, etc. and meet all the requirements of the ordinance; therefore, if desirable, the Council could approve the application for construction of the 100-foot telecommunications tower. Mr. Calloway moved approval of the tower as requested. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

STREET CLOSING - PORTION OF FOREST VIEW ROAD RIGHT-OF-WAY - CLOSED CONDITIONALLY

This was a hearing to consider the permanent closing of a portion of Forest View Road right-of-way. The hearing is pursuant to Resolution of Intent, advertisement, and notification as required by law. Planning Director Chapman explained the location of the property in question. The Mayor Pro Tem opened the hearing to the public.

Ken Martin, 5417 Eddington Lane, indicated he was representing the property owner. He indicated all adjacent property owners signed a petition asking that this be abandoned. He pointed out an office building is going in adjacent to the site and he indicated he has a report from the State DOT that they acted on this item on April 20 and approved the closing. Planning Director Chapman indicated that staff had recommended if the street is closed that to eliminate the situation of creating two landlocked parcels known as Lot 206 and 207, Tax Map 462, that these parcels need to be recombined with Lot 208 to create one parcel fronting on State Road 1787. A second condition is that a turn around must also be provided at the proposed end of State Road 1787 which is acceptable to the City's DOT to eliminate the situation of a dead end street created by the closing. The third condition is that the right-of-way proposed to be closed is State maintained; therefore, would require concurrence from NCDOT. It was pointed out by Mr. Martin that the recombination has taken place and the State has concurred with the closing. Mr. Martin questioned if the turnaround has to be developed before the actual closing pointing out they wanted to go ahead and claim the right-of-way continue with construction and then construct the turnaround. Discussion took place as to how this could be handled. Mrs. Cates moved that this item be referred to Administration and if conditions can be worked out then the closing would be effective. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 514

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF FOREST VIEW ROAD AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Forest View Road right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Forest View Road be closed permanently as follows:

> Forest View Road, Raleigh, Wake County, North Carolina, from the intersection of Forest View Road with Blue Ridge Road eastward to the western line of Wake County Tax Parcel 462-18 and including the entire area within the right-of-way of Forest View Road as said Forest View Road adjoins Wake County Tax Parcels 462-105 (210.4 feet), 462-110 (114 feet), 462-111 (145 feet), 462-203 (324.93 feet), 462-26, and 462-463.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 5/1/84

Effective: 5/1/84

STREET CLOSING - ILEAGNES ROAD - CLOSED WITH CONDITIONS.

This is a hearing to consider the permanent closing of a portion of Ileagnes Road right-of-way. The hearing is pursuant to petition, advertisement, and notification as required by law. Planning Director Chapman pointed out the location involved pointing out the right-of-way of this section is unimproved and no utility lines are located within the subject area. As a result of the subdivision of adjacent property known as Raleigh Industrial Park (S-163-83), Ileagnes Road has been realigned, thus leaving the original dedication of Ileagnes with a duplicate street name. Administration has no objection to the closing with the stipulation that the remaining existing road be renamed. The Mayor Pro Tem opened the hearing to the public. No one asked to be heard; thus, the hearing was closed. Ms. Cates moved approval of the closing with the condition as outlined. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

RESOLUTION NO. (1984) 515

A RESOLUTION ORDERING THE CLOSING OF ILEAGNES ROAD AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of Ileagnes Road right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Ileagnes Road be closed permanently as follows:

Beginning at a point in the northern right-of-way of Olympia Drive where said road begins to curve into Ileagnes Road and being the southwest corner of Lot #8 as shown on a map entitled "Raleigh Southern Industrial Park," Map No. 2, recorded in Map Book 1979, page 336; runs thence in a northwesternly direction, an arc distance of 39.27 feet with a radius of 25' runs thence N 5° 57.9' E 175 feet; thence N 84° 02.1' W 60'; thence S 5° 57.9' W 200' to a new point, thence along a new line S 84° 02.1'E 85' to the point of beginning.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 5/3/84

Effective: 5/3/84

STREET IMPROVEMENT - ATLANTIC AVENUE - HEARING - RESOLUTION AUTHORIZING PROJECT ADOPTED

This was a hearing to consider installation of curbs, gutters, drains, and construction of Atlantic Avenue 53-feet, back-to-back, from the north end of Winton Road northward to Millbrook Road. Chief Engineer Thomas explained the location. The Mayor opened the hearing to the public. No one asked to be heard; thus, the hearing was closed. Mr. Congleton moved adoption of a resolution directing the project as outlined. His motion was seconded by Ms. Babb. Ms. Cates questioned if we are not proposing a sidewalk with Chief Engineer Thomas pointing out this is Industrial zoned property; therefore, no sidewalk is projected. He stated it will be graded back of the curb for a sidewalk section. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

RESOLUTION NO. (1984) 516

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and construction of Atlantic Avenue, 53 feet back-to-back from the north end of Winton Road northward to Millbrook Road.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 5/1/84

BIDS - ATLANTIC AVENUE PROJECT - AWARDED TO C. C. MAGNUM, INC.

Pursuant to advertisement, bids were received and publically opened to extend Atlantic Avenue northward from Winton Road to Millbrook Road with results as follows: C. C. Magnum, Inc. $460,318.71; Rea Construction Company - $584,489.40; RGK Construction Company - $615,590. Administration recommends that the low bid of C. C. Magnum, Inc. be awarded. Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which passed unanimously. The Mayor Pro Tem ruled the motion adopted.

PU 1984 - 2 - WINTHROP DRIVE AREA - HEARING - RESOLUTION AUTHORIZING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 1,691 feet of eight-inch sanitary sewer main within rights-of-way and easements in Winthrop Drive and Dodsworth Street areas, with assessment on a per lot basis to apply. Public Utilities Director Butler explained the location of the proposed project. The Mayor Pro Tem opened the hearing. No one asked to be heard; thus, the hearing was closed. Mr. Keller moved adoption of a resolution direction the project as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

RESOLUTION NO. (1984) 517

A RESOLUTION TO DIRECT THAT THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefore; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1984-2 Installation of approximately 1,691 feet of 8-inch sanitary sewer main within rights-of-way and easements beginning in the right-of-way of Winthrop and Dobsworth, southward 217 feet in Dobsworth, hence eastward within an easement to Winthrop Drive and eastward along lots at 6104 and 6100 within an easement.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of part 8, Chapter 2, Article B, Section 8-2033 et. seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Assessment on per lot basis to apply.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which

said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 5/1/84

PU 1984-3 - HARE SNIPE CREEK OUTFALL AREA - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider the installation of approximately 2,550 feet of eight-inch sanitary sewer main in the Hare Snipe Creek Outfall area, with an assessment on a per lot basis to apply (PU 1984-3). Public Utilities Director Butler explained the proposed project. The Mayor Pro Tem opened the hearing to the public.

John Broughton, 4808 Sleepy Hollow Drive, indicated he understands the needs for the project and has no objection to the project. He stated however, he owns one lot where his house is located and the adjoining lot which is a long narrow lot. He indicated most of that adjoining lot is in the floodplain area and is unusable. He questioned if he will have to pay assessments on both lots. Chief Engineer Thomas indicated he is aware of the situation and pointed out Mr. Broughton's property. He indicated under our assessment policy, an assessment would be made against each lot unless it can be determined that the property can't be developed. Discussion took place on as to how you determine this. After which a general consensus, the item was referred to Public Works Committee.

SEWER AR-1008 - BROOKHAVEN/DEBLYN PARK VICINITY - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider confirming charges outlined in Sewer AR-1008, according to charges outlined in Resolution 1984-474, adopted on March 20, 1984. The Mayor opened the hearing to the public. The resident at 5904 Deblyn Avenue indicated he was here several years ago when this project was about to be undertaken and discussion took place on how the project would be assessed. Chief Engineer Thomas indicated it is on a per lot basis and the residents of Brookhaven are being assessed one price and the residents of Deblyn Park a smaller amount to differentiate in the lot sizes. Bee Arp, 5905 Deblyn Avenue, indicated when the line was installed they told her neighbor, Harold Nelson that if any damage was done to his property, it would be corrected. She pointed out damages have not been corrected. She indicated she was told that they had to install the line below her house and she wondered why the line had to be installed at that exact location. Discussion took place as to how the stubbing occurred with the lady indicating her septic tank was on the opposite side of the house than the stub out. The elevation of the house was discussed briefly. No one else asked to be heard; thus, the hearing was closed. Mr. Congleton moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted and the roll confirmed at 8:10 p.m.

RESOLUTION NO. (1984) 518

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLLS 1008 AND 1009

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in the Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the first day of May, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. 1984-474 and 1984-476 adopted on the 20th day of March, 1984, which assessments appear on "The City of Raleigh Special Sewer Assessment Rolls 1008 and 1009," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector,

who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

WATER AR-1009A - CREEDMOOR ROAD - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider confirmation of charges for the installation of a water line in the Creedmoor Road area according to Assessment Roll 1009A, as outlined in Resolution 1984-475, adopted on March 20, 1984. Mayor Pro Tem opened the hearing. No asked to be heard; thus, the hearing was closed. Mr. Congleton moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted and the roll confirmed at 8:11 p.m.

RESOLUTION NO. 1984-519

A RESOLUTION CONFIRMING SPECIAL WATER ASSESSMENT ROLL 1009A

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the first day of May, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution No. 1984-475 adopted on the 20th day of March, 1984, which assessments appear on "The City of Raleigh Special Water Assessment Roll 1009A," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 5/1/84

Effective: Upon annexation of the property or tap-on to the line.

WATER AR-1009 - CREEDMOOR ROAD - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for a water main installation in the Creedmoor Road according to Assessment Roll 1009, as outlined in Resolution 1984-476, adopted on March 20, 1984. The Mayor Pro Tem opened the hearing to the public.

Gladys Moore, 6153 Jeffery School Road, questioned what was meant by the letter stating that the assessment would be on a front foot method as the line goes through the side or the back of her property. This was explained. Ms. Moore indicated she is glad to have the water but she really needs is sewage because she has been having problems with her septic tank for quite some time. She stated she either had to repair the septic tank or get sewage to the area and questioned when that would be. City Manager Benton indicated this area is inside the City and advised Ms. Moore to call the Public Utilities Director and explain the problem. No one else asked to be heard; thus, the hearing was closed. Mr. Congleton moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted and the roll confirmed at 8:14 p.m. See Resolution 518.

BOND REFINANCING - APPROVED

This was a hearing to receive public input on the question of the City of Raleigh refinancing $22,250,000 in bonds. After the public hearing, it would be appropriate for the Council to take the following actions:

(1) Adoption of the bond order.

(2) Approval of solicitation of an escrow agent (probably one of the larger North Carolina banks) and a bond registrar/transfer agent (also probably one of the larger North Carolina banks).

(3) Approval of a schedule of fees which will be included in the Council Members' Agenda packet.

(4) Approval of a contract with Evensen Dodge (subject to approval as to form by the City Attorney) at the indicated fee which has been negotiated by Administration and authorization for the Mayor to execute the agreement.

(5) Authorize Administration to retain an accountant to evaluate the refinancing proposal.

City Attorney McCormick indicated actually this is two hearings. One to consider $3.7 million in park bonds and $19.5 million in water bonds. City Manager Benton indicated the City has been working with the local government commission in this effort and this is the first time this type activity has taken place in this State; therefore, it is new for everyone. He indicated the local government commission is continuing to evaluate the idea and sale. He explained we will continue to move forward but if we reach a point where we feel there will be problems, we will reassess the situation. He explained the fees we would be incurring if we go through with the sale.

The Mayor Pro Tem opened the hearing on the $3.7 million recreation bond refinancing proposal. No one asked to be heard; thus, the hearing was closed. The hearing was then opened on the $19.5 million water bond refinancing proposal. No one asked to be heard; thus, the hearing was closed.

Ms. Babb moved approval of the recommendations as outlined. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted. See Resolution 520.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

Gail G. Smith
City Clerk and Treasurer

dg/CC